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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,491

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Olexandr Ivanovich Kyrychenko

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SMITH-HILL AND BEDELL, P.C.
16100 NW CORNELL ROAD, SUITE 220
BEAVERTON, OR 97006

EXAMINER

PANDYA, SUNIT

ART UNIT

PAPER NUMBER

3714

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,491	Applicant(s) KYRYCHENKO, OLEXANDR IVANOVICH	
	Examiner SUNIT PANDYA	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to amendments filed 12/18/2008 and a secondary amendments made on 12/30/2008 by the applicant. The examiner acknowledges that claims 8-14 have been amended by the applicant, claims 1-7 are canceled, and further more newly submitted claims 15-19 are added, consequently claims 8-19 are currently pending in the instant application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 8-19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-5 of copending Application No.

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10/535482. Although the conflicting claims are not identical, they are not patentably distinct from each other because, both application are directed towards a gaming equipment for table games using playing cards and tokens comprises a playing table provided with a covering divided into sectors for betting and sections for placing cards faceup, a shoe-type element for storing and distributing playing cards withdrawn therefrom facedown, a computer and a system for supervising the game which is embodied in the form of an optoelectronic device for processing object images on the playing table.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Franchi et al. (US 5,770,533).

Claims 1-7 have been cancelled by the applicant.

Claims 8, 17: Franchi discloses of a gaming equipment for table games in which playing cards are used, in particular for the game of "Black Jack", (figure 2, element

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201) including, gaming table with area for placement of playing cards face up (figure 7), card shoe for storage and distribution of playing cards drawn from it face down (figure 7), the said card shoe is equipped with optical electronic sensor of playing cards' movement and with playing cards imprint value recognition unit (col. 10, lines 42-60). Franchi also teaches of a monitoring system of the game run, the said monitoring system includes objects' presence on the table recognition unit configured to recognize value of the playing cards placed face up on the table (col. 10, lines 1-31 & col. 16, lines 6-65, wherein Franchi in one of the embodiment discloses of a means for reading the outcome on the table), Information storage system (col. 10, lines 1-31). Franchi also discloses of a computer, connected to separate functional units by wire or wireless communications, the said computer is supplied with electronic data processing system programmed in accordance with the game rules, the said electronic data processing system allows to evaluate signals coming (figure 2, element 200), to the first input of the electronic data processing system from the output of the playing cards imprint value recognition unit (col. 10, lines 42-60), to the second input of the electronic data processing system from the objects' presence on the table recognition unit (figure 2), the third input of the electronic data processing system is connected to the first output of the computer (figure 2), the second output of the computer is connected to the input of the information storage system (figure 2) the first output of the electronic data processing system is connected to the first input of the computer (figure 2), the input of the computer processed data visualization device (the said data characterize the game run) is connected to the output of the computer (figure 2), wherein the dealer's sector is

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additionally equipped with credit control unit and player commands visualization unit, and also monitoring system of the game run additionally contains player bet control units and player game control units, positioned in each player's sector (figure 7), moreover, the outputs of player bet control units are connected to the fourth input of electronic data processing system (figure 2), the outputs of player game control units are connected to the fifth input of electronic data processing system (figure 2), the output of credit control unit is connected to the sixth input of electronic data processing system (figure 2), the input of credit control unit is connected to the second output of electronic data processing system (figure 2), the input of players' commands visualization unit is connected to the third output of electronic data processing system (figure 2), the inputs of player bet control units are connected to the fourth output of electronic data processing system (figure 2), the inputs of player game control units are connected to the fifth output of electronic data processing system (figure 2).

Claim 9: Franchi discloses a gaming equipment wherein the credit control unit and players' commands visualization unit, as well as each player game control unit and each player bet control unit are implemented as sensory displays, each comprising a touch sensitive panel, the said panel contains one or more zones for entering control commands, and/or liquid-crystal active color matrix, the said matrix contains one or more zones for displaying information about the game run (figure. 4, col. 2, lines 55-67), moreover the output of each unit's touch sensitive panel is connected via corresponding controller to the output of the corresponding unit and the input of each unit's liquid-

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crystal active color matrix is connected via corresponding controller to the input of the corresponding unit (figure 2).

Claims 10, 12: Franchi discloses a gaming equipment, wherein each player bet control unit contains zones for entering operating commands (i.e. "credit purchase", "credit sale", "bet") as well as numerical board, numerical indicator of players' places and zone for displaying information about the game run (col. 11, lines 13-17, describing receiving chips from a card medium).

Claims 11, 13: Franchi discloses a gaming equipment wherein each player game control unit contains zones for entering operating commands (i.e. "hit", "split", "double down", "insurance (yes, no)", "stop"), as well as zone for displaying information about the game run, and values of cards obtained from the value recognition unit (col. 10, lines 15-31 & col. 16, lines 6-65, wherein Franchi in one of the embodiment discloses of a means for reading the outcome on the table).

Claim 14: Franchi discloses that the dealer's sector is additionally supplied with optical electronic sensor (figure 7), the output of the said sensor is connected to the seventh input of the electronic data processing system (figure 2).

Claims 15, 18: Franchi discloses that the area for placement of paying card face up are visible from plurality of players' places (figure 7).

Claims 16, 19: Franchi discloses that the area for placement of paying card face up are invisible from atleast one players' places (player playing remotely), whereby the equipment allows player to play the game with a live dealer (figure 7, wherein the player could can play with a live dealer).

Response to Arguments

Applicant's arguments filed 12/30/08 have been fully considered but they are not persuasive.

With regards to applicant's newly submitted arguments in light of the new submitted amendments, the examiner would like to refer the applicant to the rejection above, which has been updated to reflect the said amendments made by the applicant. Further more the rejection has also been updated to provide all the limitations for the newly submitted claims, claims 15-19.

Consequently, the arguments have been considered but the rejection is maintained.

Examiner would like to point out that the examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-F 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

/Scott E. Jones/
Primary Examiner, Art Unit 3714